

May 31, 2005

Supreme Court Clerk
Michigan Supreme Court
PO Box 30052
Lansing, MI 48909

Re: ADM File 2004-40

Dear Supreme Court Clerk:

We are writing to express our concerns as to the proposed changes to the text of the May 1, 2005, version of Rule 3.215. Our specific concern is as to MCR 3.215(D)(4)(d) with respect to payment of costs for the preparation of a transcript.

As presently proposed, the court must make a copy of the record available to the parties at no charge. This provision goes on to indicate that, "Following the judicial hearing, the court may assess the costs of preparing a copy of the record to one or more of the parties." Given budgetary constraints, we feel it is necessary to have the ability to assess the costs of preparing a copy of the record prior to the hearing before the judge. For this reason, we submit that the proposed rule be changed and that the words "no charge" be eliminated from first sentence of MCR 3.215(D)(4)(d) and that, "Following the judicial hearing," be eliminated from the second sentence. We propose, then, that MCR 3.215(D)(4)(d) read as follows:

"If the court relies on the record of the referee hearing to limit the judicial hearing under subrule (F), the court must make a copy of the record available to the parties and must allow the parties to file supplemental objections within 7 days of the date the record is provided to the parties. The court may assess the costs of preparing a copy of the record to one or more of the parties."

The wording as we have proposed will allow us to administer our Court within budgetary constraints.

Thank you for your consideration of our concerns.

Sincerely,

S/

s/

Charles H. Miel
Chief Circuit Judge
8th Circuit Court

David A. Hoort
Circuit Judge
8th Circuit Court